

Nuclear Regulatory Commission

§ 70.72

to refuse to grant a license on an original application, or for failure to construct or operate a facility in accordance with the terms of the construction permit or license, the technical specifications in the application, or for violation of, or failure to observe any of the terms and conditions of the Act, or of any regulation of the Commission.

(c) Upon revocation, suspension or modification of a license, the Commission may immediately retake possession of all special nuclear material held by the licensee. In cases found by the Commission to be of extreme importance to the national defense or security, or to the health and safety of the public, the Commission may recapture any special nuclear material held by the licensee prior to any of the procedures provided under section 551-558 of title 5 of the United States Code.

(d) Except in cases of willfulness or those in which the public health, interest or safety requires otherwise, no license shall be modified, suspended or revoked unless, prior to the institution of proceedings therefor, facts or conduct which may warrant such action shall have been called to the attention of the licensee in writing and the licensee shall have been accorded opportunity to demonstrate or achieve compliance with all lawful requirements.

[21 FR 764, Feb. 3, 1956, as amended at 35 FR 11461, July 17, 1970]

§ 70.62 Suspension and operation in war or national emergency.

Whenever Congress declares that a state of war or national emergency exists, the Commission, if it finds it necessary to the common defense and security may,

- (a) Suspend any license it has issued.
- (b) Order the recapture of special nuclear material.
- (c) Order the operation of any licensed facility.
- (d) Order entry into any plant or facility in order to recapture special nuclear material or to operate the facility. Just compensation shall be paid for any damages caused by recapture of special nuclear material or by oper-

ation of any facility, pursuant to this section.

[21 FR 764, Feb. 3, 1956, as amended at 32 FR 4056, Mar. 15, 1967; 35 FR 11461, July 17, 1970]

ENFORCEMENT

§ 70.71 Violations.

(a) The Commission may obtain an injunction or other court order to prevent a violation of the provisions of—

(1) The Atomic Energy Act of 1954, as amended;

(2) Title II of the Energy Reorganization Act of 1974, as amended; or

(3) A regulation or order issued pursuant to those Acts.

(b) The Commission may obtain a court order for the payment of a civil penalty imposed under section 234 of the Atomic Energy Act:

(1) For violations of—

(i) Sections 53, 57, 62, 63, 81, 82, 101, 103, 104, 107, or 109 of the Atomic Energy Act of 1954, as amended;

(ii) Section 206 of the Energy Reorganization Act;

(iii) Any rule, regulation, or order issued pursuant to the sections specified in paragraph (b)(1)(i) of this section;

(iv) Any term, condition, or limitation of any license issued under the sections specified in paragraph (b)(1)(i) of this section.

(2) For any violation for which a license may be revoked under section 186 of the Atomic Energy Act of 1954, as amended.

[57 FR 55077, Nov. 24, 1992]

§ 70.72 Criminal penalties.

(a) Section 223 of the Atomic Energy Act of 1954, as amended, provides for criminal sanctions for willful violation of, attempted violation of, or conspiracy to violate, any regulation issued under sections 161b, 161i, or 161o of the Act. For purposes of section 223, all the regulations in part 70 are issued under one or more of sections 161b, 161i, or 161o, except for the sections listed in paragraph (b) of this section.

(b) The regulations in part 70 that are not issued under sections 161b, 161i, or 161o for the purposes of section 223 are as follows: §§ 70.1, 70.2, 70.4, 70.5, 70.6, 70.8, 70.11, 70.12, 70.13, 70.13a, 70.14,

Pt. 71

10 CFR Ch. I (1–1–00 Edition)

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**PART 71—PACKAGING AND
TRANSPORTATION OF RADIO-
ACTIVE MATERIAL**

Subpart A—General Provisions

Sec.

- 71.0 Purpose and scope.
- 71.1 Communications and records.
- 71.2 Interpretations.
- 71.3 Requirement for license.
- 71.4 Definitions.
- 71.5 Transportation of licensed material.

Subpart B—Exemptions

- 71.6 Information collection requirements: OMB approval.
- 71.7 Completeness and accuracy of information.
- 71.8 Specific exemptions.
- 71.9 Exemption of physicians.
- 71.10 Exemption for low-level materials.
- 71.11 Deliberate misconduct.

Subpart C—General Licenses

- 71.12 General license: NRC-approved package.
- 71.13 Previously approved package.
- 71.14 General license: DOT specification container.
- 71.16 General license: Use of foreign approved package.
- 71.18 General license: Fissile material, limited quantity per package.
- 71.20 General license: Fissile material, limited moderator per package.
- 71.22 General license: Fissile material, limited quantity, controlled shipment.
- 71.24 General license: Fissile material, limited moderator, controlled shipment.

**Subpart D—Application for Package
Approval**

- 71.31 Contents of application.
- 71.33 Package description.
- 71.35 Package evaluation.
- 71.37 Quality assurance.
- 71.38 Renewal of a certificate of compliance or quality assurance program approval.
- 71.39 Requirement for additional information.

Subpart E—Package Approval Standards

- 71.41 Demonstration of compliance.
- 71.43 General standards for all packages.
- 71.45 Lifting and tie-down standards for all packages.

- 71.47 External radiation standards for all packages.
- 71.51 Additional requirements for Type B packages.
- 71.53 Fissile material exemptions.
- 71.55 General requirements for fissile material packages.
- 71.57 [Reserved]
- 71.59 Standards for arrays of fissile material packages.
- 71.61 Special requirement for irradiated nuclear fuel shipments.
- 71.63 Special requirements for plutonium shipments.
- 71.64 Special requirements for plutonium air shipments.
- 71.65 Additional requirements.

**Subpart F—Package, Special Form, and
LSA-III Tests**

- 71.71 Normal conditions of transport.
- 71.73 Hypothetical accident conditions.
- 71.74 Accident conditions for air transport of plutonium.
- 71.75 Qualification of special form radioactive material.
- 71.77 Qualification of LSA-III Material.

**Subpart G—Operating Controls and
Procedures**

- 71.81 Applicability of operating controls and procedures.
- 71.83 Assumptions as to unknown properties.
- 71.85 Preliminary determinations.
- 71.87 Routine determinations.
- 71.88 Air transport of plutonium.
- 71.89 Opening instructions.
- 71.91 Records.
- 71.93 Inspection and tests.
- 71.95 Reports.
- 71.97 Advance notification of shipment of irradiated reactor fuel and nuclear waste.
- 71.99 Violations.
- 71.100 Criminal penalties.

Subpart H—Quality Assurance

- 71.101 Quality assurance requirements.
- 71.103 Quality assurance organization.
- 71.105 Quality assurance program.
- 71.107 Package design control.
- 71.109 Procurement document control.
- 71.111 Instructions, procedures, and drawings.
- 71.113 Document control.
- 71.115 Control of purchased material, equipment, and services.
- 71.117 Identification and control of materials, parts, and components.
- 71.119 Control of special processes.
- 71.121 Internal inspection.
- 71.123 Test control.
- 71.125 Control of measuring and test equipment.